

**POLICY AND PROCEDURE**

<b>POLICY TITLE:</b> Prescribing of Opioids for Medication-Assisted Treatment via Telemedicine: 24 Del. Admin. C. § 1700-9.2	<b>POLICY #:</b> DSAMH028
<b>PREPARED BY:</b> DSAMH PCWFD SOTA	<b>DATE ISSUED:</b> 7/20/2021
<b>RELATED POLICIES:</b> DSAMH025 Waiver Policy	<b>REFERENCE:</b> 16 Del. Admin C. § 6001-4.15 24 Del. Admin. C. § 1700-9.2
<b>DATES REVIEWED:</b> 7/19/2021	<b>DATES REVISED:</b>
<b>APPROVED BY:</b>   8/16/2022   10:53 AM PDT	<b>NOTES:</b> <input type="checkbox"/> DSAMH Internal Policy <input checked="" type="checkbox"/> DSAMH Operated Program <input checked="" type="checkbox"/> DSAMH State Providers <input type="checkbox"/> Delaware Psychiatric Center <input checked="" type="checkbox"/> Targeted Use Policy (Defined in scope)

**I. PURPOSE:**

The purpose of this policy is to clarify the regulation 24 Del. Admin. C. § 1700-9.2, requiring a waiver from the Division to prescribe opioids for medication-assisted treatment via telemedicine.

This regulation exempts “addiction treatment programs offering medication assisted treatment” that are waived by the Division from the ban on prescribing opioids via telemedicine. However, it is the prescribers, not the program, that prescribe medication. Additionally, 16 Del. Admin C. § 6001-4.15 governs the process for requesting and granting waivers to the requirements under 16 Del. Admin C. § 6001 and is silent on granting waivers for prescribing via telemedicine under 24 Del. Admin. C. § 1700-9.2.

Until the Board of Medical Licensure can correct 24 Del. Admin. C. § 1700-9.2, this policy is necessary to ensure the continuity of care to individuals who rely on medication-assisted treatment services delivered via telemedicine.

**II. POLICY STATEMENT:**

It is the Division’s policy that a prescriber who prescribes opioids for medication-assisted treatment according to applicable state and federal laws may do so via telemedicine if the prescriber meets the same standard of care required for in-person prescribing.

Furthermore, the Division grants a waiver under 16 Del. Admin C. § 6001-4.15 to a prescriber acting under this policy to satisfy the requirements of 24 Del. Admin. C. § 1700-9.2.

**III. DEFINITIONS:**

**“Buprenorphine Waivered Practitioners”** (also known as **“Data Waiver Prescriber”**) meet SAMHSA requirements to dispense or prescribe buprenorphine for the treatment of opioid use disorders (OUD) in settings other than opioid treatment programs (OTP), upon completion of specialized training. The [Drug Addiction Treatment Act of 2000 \(DATA 2000\)](#), the [Comprehensive Addiction and Recovery Act \(CARA\)](#) and the [Substance Use-Disorder Prevention Opioid Recovery and Treatment for Patients and Communities \(SUPPORT\) Act](#) details the process and requirements to obtain the waiver. A data waivered prescriber has a set limit of clients as established by SAMHSA. A data waivered prescriber may provide MOUD excluding methadone. This policy will use the term Buprenorphine Waivered Practitioners.

**“Medications for Opioid Use Disorder (MOUD)”** means the use of medications to treat opioid use disorders.

**IV. SCOPE:** All providers who employ a data waivered prescriber.

**V. PROCEDURES:**

- A. Currently, 24 Del. Admin. C. § 1700-9.2 states, “no opioid prescribing is permitted via telemedicine with the exception of addiction treatment programs offering medication-assisted treatment that have received a Division of Substance Abuse and Mental Health (DSAMH) waiver to use telemedicine through DSAMH’s licensure or renewal process as outlined in 16 DE Admin. Code 6001 Substance Abuse Facility Licensing Standards Sec. 4.15.”
- B. Based on the available information, the Division has determined that the regulation is intended to exempt the prescribing of opioids for medication-assisted treatment from the general prohibition of prescribing opioids via telemedicine.
- C. Nothing in this policy exempts a prescriber from other applicable federal or state laws, regulations, or policies.
- D. The process for obtaining a waiver is detailed in DSAMH025 Waiver Policy.

**VI. POLICY LIFESPAN:** This policy will be reviewed annually by the policy committee and is effective as of the date above until the Division rescinds it in response to changes in the administrative code.

**VII. RESOURCES:** N/A